

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION

WAYNE BARTHOLOMEW, )  
                          )  
Plaintiff            )  
                          )  
vs.                   )                         Case No. 1:06-cv-02051-IPJ  
                          )  
                          )  
WARDEN D. B. DREW, et al., )  
                          )  
Defendants          )

**MEMORANDUM OF OPINION**

The magistrate judge filed a report and recommendation on July 14, 2009, recommending that the defendants' motion for summary judgment be granted and this cause be dismissed. No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The Court EXPRESSLY FINDS that:

1. With respect to the plaintiff's Eighth Amendment claims, summary judgment is GRANTED and such claims are DISMISSED WITHOUT PREJUDICE for failure to exhaust administrative remedies; and

2. With respect to the plaintiff's claims of reverse discrimination, there are no genuine issues of material fact and the defendants are entitled to judgment as a matter of law; therefore summary judgment is GRANTED and such claims are DISMISSED WITH PREJUDICE. A Final Judgment will be entered.

DONE this 19<sup>th</sup> day of August, 2009.



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INGE PRYTZ JOHNSON  
U.S. DISTRICT JUDGE